



**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

August 14, 2014

Gilma Diaz-Greco, Staff Attorney
Miami-Dade Commission on Ethics & Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130

Re: RQO 14-003 Gilma Diaz-Greco
Military service and outside employment

Dear Ms. Diaz-Greco:

At a public meeting on August 13, 2014, the Miami-Dade Ethics Commission opined that service in the reserve United States Armed Forces is not considered outside employment, under Section 2-11.1(k) of the Miami-Dade County Ethics Code (the Ethics Code).

Section 2-11 of the Miami-Dade County Code requires that any full-time County employee obtain approval in writing from his/her department head before engaging in outside employment. Section 2-11.1(k) of the Ethics Code requires that all employees engaged in outside employment file, "under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to the same and any amount or types of money or other compensation received..."

The Miami-Dade County Leave Manual, the State of Florida Employee Handbook, the Federal Employee Handbook, as well as Florida Attorney General Opinions all treat military service by government employees outside of the context of outside employment. It seems clear that because reserve or active military service cannot be denied by a public employer, it should not be considered outside employment. Thus, an employee is not required to file an outside employment statement pursuant to Section 2-11.1(k) of the Ethics Code. Given that the outside employment statement and the request for permission operate in tandem, it does not make sense to require that an employee file the form requesting permission¹

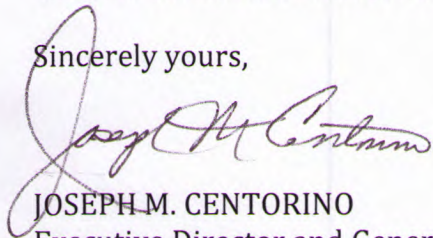
¹ The employee should, however, be sure to follow the policies and procedures addressing military service by public employees set out in the Miami-Dade Leave Manual or its counterpart in the municipality where the individual is employed.

for outside employment since he/she is not required to file the disclosure form. Furthermore, as stated above, the request cannot be denied.

Please note that if the employee is a reporting individual, under Section 112.3145, Florida Statutes, he or she must disclose any income earned through military service on his or her financial disclosure form (State Form 1) annually.

If you have any questions regarding this opinion, please call the undersigned or Deputy General Counsel Miriam S. Ramos at 305-579-2594.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Joseph M. Centorino".

JOSEPH M. CENTORINO
Executive Director and General Counsel